



U.S. House of Representatives

Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

<http://judiciary.house.gov/>

News Advisory

For immediate release
January 27, 2006

Contact: Jeff Lungren/Terry Shawn
202-225-2492

Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #23

WASHINGTON, D.C. – With the PATRIOT Act due to expire in one week unless the Senate approves the reauthorization conference report, House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #23 – Requiring Additional Specificity from an Applicant Before Roving Surveillance May be Authorized:

In an age of disposable cell phones, “roving” wiretaps are a reasonable and common-sense updating of investigative techniques to account for technological advances. A “roving” wiretap follows the target rather than just a single phone or communications device. **The PATRIOT Act conference report addresses concerns about vagueness in applications for “roving” wiretaps in foreign spying and terrorism investigations by requiring additional specificity in these applications in order for a Foreign Intelligence Surveillance Act (FISA) Court judge to consider authorizing a “roving” wiretap.** This civil liberty safeguard is not included in current law.

Congress has authorized criminal wiretaps for decades as an effective crime-fighting tool. Because of technological advances, including the use of cell phones, in 1986 Congress authorized “roving” wiretaps in criminal cases that allowed for the surveillance to target a person rather than a specific phone or communications device. However, prior to the PATRIOT Act, this authority did not exist for international spying or terrorism cases; thus, for these cases the government had to return to the FISA Court and apply for a new wiretap every time the suspected spy or terrorist used a different phone or communications device. This costly, cumbersome, and time-consuming requirement served as a major impediment in foreign spying and terrorism investigations. The PATRIOT Act extended the “roving” wiretap authority to international spying and terrorism cases by allowing a FISA Court judge to authorize a “roving” wiretap provided the applicant demonstrates there is probable cause to believe the target is a foreign spy or terrorist.

#####